

Application No.: 10/821588

Case No.: 55476US041

Remarks

Favorable consideration of this application in the light of the following discussion is respectfully requested. Claims 1-18 are pending. In the Office Action, claims 1-18 were restricted under 35 USC § 121 as follows:

- I. Claims 1-3 are said to be drawn to a first apparatus, classified in Class 118, subclass 200;
- II. Claims 5-7 are said to be drawn to a second apparatus, classified in Class 118, subclass 323;
- III. Claims 8-12 are said to be drawn to a third apparatus, classified in Class 156, subclass 578; and
- IV. Claims 13-18 are said to be drawn to a fourth apparatus, classified in Class 118, subclass 58.

The Examiner averred that the inventions are distinct, each from the other because of the following reasons:

"The inventions of Groups I-IV are deemed independent and distinct inventions wherein each invention requires structural limitations separate and distinct from the other. The invention of Group II is distinguishable from the invention of Group I in that it requires two or more pick and place devices that periodically contact and recontact a coating at different positions such the periods of the devices are selected to provide uniform coating while the invention of Group I is to plural rotating pick and place devices that periodically contact and recontact a coating at different positions wherein periods of the devices are not periodically related. The invention of Group III is to two or more pick and place devices that periodically contact and recontact a coating at different positions on a first substrate and a coating from the first substrate is transferred to a second substrate via a transfer station. The invention of Group IV is to pick and place devices that contact and recontact an uneven wet coating to increase drying rate.

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Applicants' Response to the Restriction under 35 U.S.C. 121

In response, Applicants elect, with traverse, Group I covering claims 1-4 drawn to an apparatus for improving the uniformity of a liquid coating. Applicants note that the Office Action asserting the Restriction Requirement did not include claim 4 in any of Groups I-IV. Applicants aver that claim 4 is dependent upon claim 3 and therefore should be included in Group I.

Applicants respectfully traverse the restriction requirement. M.P.E.P. § 803 requires that the two conditions be met for a proper requirement for restriction between patentably distinct inventions. First, the inventions must be independent or distinct as claimed. Second, there must also be serious burden on the Examiner if restriction is not required (see M.P.E.P. §803.02; §806.04 (a)-(j); §808.01 (a); and §808.02).

Applicants submit that the restriction between Groups I - IV is improper because the claims would not impose a serious burden on the Examiner if all groups were prosecuted under the same application. In support, applicants respectfully point out that all Groups are directed to the utilization of pick and place devices in conjunction with wet coatings on substrates. Thus the Groups are so interrelated that a search of one group of claims will reveal art to the other. This is even more evident with Groups I, II and IV as they all reside within class 118. For the above-noted reasons, Applicants assert that the restriction requirement is not proper.

Reconsideration and withdrawal, or modification, of the restriction requirement is respectfully requested.

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Applicants have elected Group I covering claims 1-4. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

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Date

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